IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

Bail Appl..No. 5467 of 2007()

[(CRIME NOT KNOWN) ETTUMANOOR POLICE STATION]

PETITIONERS

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1. ROY JOSEPH, S/O.LATE K.T.JOSEPH, AGED 41 YEARS, RESIDING AT POOVANNIL KUNNEL, ATHIRAMPUZHA, KOTTAYAM.

2. ALEY JOSEPH,AGED 85 YEARS, RESIDING AT POOVAMNIL KUNNEL,ATHIRAMPUZHA, KOTTAYAM.

BY ADV. SRI.PRATHEESH.P

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE CI OF POLICE, ETTUMANOOR POLICE STATION, THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5467 of 2007

Dated this the 11th day of September 2007

O R D E R

Application for anticipatory bail. The petitioners are husband and mother-in-law of the de facto complainant. The marriage between the first petitioner and the de facto complainant took place on 1/12/1997. The spouses are blessed with three children. The de facto complainant had filed a complaint before the police and the crime was registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the allegations are totally false. There is strain in the matrimony. Such strain is prompting the de facto complainant to raise false allegations against the petitioners. Anticipatory bail may be granted to the petitioners, it is prayed.

3. The learned Public Prosecutor does not oppose the application. Appropriate conditions may be imposed, it is submitted. I find the said stand taken by the learned Public Prosecutor to be reasonable. The learned Public Prosecutor asserts that there is no allegation of any physical cruelty which has resulted in injuries. Anticipatory bail can in these circumstances be granted to the petitioners subject to appropriate conditions.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 18/09/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 19/09/2007 and 20/09/2007 and thereafter on all Sundays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 18/09/2007, they shall be released from custody on their executing a bond for Rs.25,000/-(Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 18/09/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007